

Ex 16

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Estate of Michele M. Walker, Charles E. Walker,
Administrator

VS

NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of
the Courts and State of New Hampshire - NH Second
Circuit Littleton District Division -
Administrative Office of the Courts

DEPOSITION OF PAULA HURLEY

This deposition taken by agreement of counsel
at the Office of the Attorney General, 33 Capitol
Street, Concord, New Hampshire, on Friday,
October 22, 2012, commencing at 1:05 PM.

Page 26

Page 28

1 A Retaliation is something where I presume you
 2 are asking in the context of an employment
 3 investigation?
 4 Q Correct.
 5 A Retaliation would be if somebody were to
 6 report something and an action were to be
 7 taken against the reporter.
 8 Q Would it be appropriate to -- well, is it ever
 9 appropriate to retaliate against someone in
 10 reporting what they believe to be harassment?
 11 A Never.
 12 Q And does that mean that if the investigation
 13 is unfounded, that that necessarily means the
 14 person's report was not in good faith?
 15 MS. DEMPSEY: Objection as to form.
 16 You can answer.
 17 A No.
 18 Q Now, your training to conduct investigations,
 19 you said the best training was at the
 20 insurance company, correct?
 21 A Uh-huh. That is where I was trained to do
 22 investigations, not employment investigations,
 23 personal injury investigations, but my

1 circumstances.
 2 Q And do you start with the complainant?
 3 A Usually.
 4 Q Do you review any written materials?
 5 A Sometimes.
 6 Q And do you meet with anyone other than those
 7 directly involved in the complaint?
 8 A If there was a reason to, possibly, but not
 9 necessarily.
 10 Q Would it be important to talk to people that
 11 may corroborate the complainant's story about
 12 the events?
 13 A Yes, it would.
 14 Q What about gathering documentation?
 15 A It would be important to gather documentation.
 16 Q Is there any particular policy at the AOC that
 17 governs investigations?
 18 A Not that I know of. I mean there is the
 19 personnel rules. I am not sure the personnel
 20 rules have a section in it or not. If they
 21 do, I am not familiar with it.
 22 Q Let me show you what we have marked as Brown
 23 19. Tell me if you recognize what that

Page 27

Page 29

1 interaction, my management training really
 2 came through my experience working with a
 3 large staff in Manchester.
 4 Q When you worked for the staff -- during the
 5 time you worked with the staff in Manchester,
 6 did you get any more training within the court
 7 system for performing investigations?
 8 A Not technically. All of these seminars have
 9 some aspect, some component of them that is
 10 dealing with situations that present
 11 themselves that are challenging, and to that
 12 extent, yes.
 13 Q Can you just go through with me what a
 14 thorough investigation looks like? You get
 15 the complaint, and then what do you do?
 16 MS. DEMPSEY: Objection as to form.
 17 You can answer.
 18 A When you get the complaint, you make contact
 19 with the individuals involved, and set up an
 20 opportunity to meet with them, and then you
 21 sit down and comfortably meet with them as
 22 best you possibly can and have them relate to
 23 you everything that they understand about the

1 document is.
 2 A This is the anti-discrimination policy.
 3 Q And does that deal with investigations at all?
 4 A Yes.
 5 Q But it probably doesn't tell you how to do an
 6 investigation, correct?
 7 A Right.
 8 Q Now, when you were assigned the investigation
 9 of the Michele Walker complaint, what were you
 10 told?
 11 A I was told that Michele Walker had
 12 communicated with Judge Kelly that she was in
 13 fear for her personal safety because of a
 14 woman, a colleague, who worked in the court
 15 named Lisa Towle.
 16 Q And what did he tell you to do?
 17 A He asked me to go up and find out what was
 18 going on.
 19 Q Did he give you any documentation?
 20 A He did not.
 21 Q Do you remember what day that was?
 22 A It was Thursday, the 13th of August.
 23 Q Do you remember what time of day it was?

Page 30

1 A I believe it was later in the day.
 2 Q So he didn't give you any details on what it
 3 was that Michele alleged?
 4 A No. He didn't give me any specifics. He just
 5 simply said she was in fear, and he wanted me
 6 to go up and find out what was going on.
 7 Q What day did you go up?
 8 A The following day, which was Friday.
 9 Q The 14th?
 10 A Yes.
 11 Q And did you call ahead to let Michele know you
 12 were coming?
 13 A Yes, I did. On the 13th, I called her to let
 14 her know that Judge Kelly had received her
 15 communication and asked me to come speak with
 16 her.
 17 Q You actually spoke with Michele?
 18 A Yes, I did.
 19 Q And what did she say to you?
 20 A She did not want to meet with me. She said
 21 she was too busy. The docket was heavy, that
 22 she had many other things planned, and that
 23 she just simply wasn't available to do it, and

Page 31

1 I responded that I really don't have a choice
 2 in the matter, that if she has any concerns
 3 about that, she'll need to address them and
 4 resolve them with Judge Kelly.
 5 I believe she made a call to Judge
 6 Kelly. He either called her, or she called
 7 him, I am not sure which. I believe they
 8 spoke, because he shortly after that called me
 9 and asked me to get Pat Keniston to the court
 10 to make sure there was adequate support that I
 11 could get up there and talk to her.
 12 Q Did you let Michele know you were still
 13 coming, and Pat would be there to cover?
 14 A Yes.
 15 Q On the 13th?
 16 A On the 13th.
 17 Q Are you sure about that?
 18 MS. DEMPSEY: Objection as to form.
 19 You can answer.
 20 A I believe so. Either I did or Judge Kelly
 21 did. Maybe I did not make the telephone call,
 22 but I believe, I either ascertained that he
 23 had spoken to her, and it was resolved, or I

Page 32

1 made the telephone call. One or the other.
 2 Q What time did you arrive up to Littleton?
 3 A I think it was about 10:30.
 4 Q What did you do when you got there?
 5 A Michele greeted me in the hallway, and we have
 6 known one another a long time. She embraced
 7 me and asked if I wanted to have a tour of the
 8 facility, which is lovely, and so I said, yes,
 9 I would love to see it.
 10 Q One of those last old court rooms?
 11 A Yes.
 12 Q So then after the tour, what did you do?
 13 A After the tour, she said, let's meet down in a
 14 private office down the hallway where we will
 15 have a little bit more confidentiality and
 16 privacy. I said, that is great. I followed
 17 her down the hall.
 18 Q And by that time, Pat Keniston was there?
 19 A Pat Keniston was there when I arrived.
 20 Q And tell me about the meeting with Michele.
 21 A We were seated in a very large office which
 22 had a couple of large easy chairs, right next
 23 to each other, and I opened the meeting by

Page 33

1 saying, what is going on? I don't know
 2 anybody here. Fill me in.
 3 Q Okay. What do you remember her telling you?
 4 A Everything that she told me from that meeting?
 5 Q Your recollection of it.
 6 A Okay. Well, she had some difficulty knowing
 7 where to start the story, but she started by
 8 explaining that she and Gina and Pam had
 9 met -- she, Gina, Pam had met with Judge Kelly
 10 over a year previous, and I gathered from what
 11 she had said that there had been some
 12 communication problems. This meeting was
 13 intended to address or resolve or put them to
 14 bed, and she left that meeting feeling
 15 reasonably good that things were on the right
 16 track, and that things were under control.
 17 And then I believe she said that as
 18 the months ensued, she wasn't as happy with
 19 the communication. It seemed to have started
 20 deteriorating with Michele, and then she
 21 related that she was out for a period of time
 22 in the early part of 2009, caring for one of
 23 her children, and that when she came back,

1 A Yes.

2 Q Did you know she had been disciplined for
3 dating someone that had a case in court?

4 MS. DEMPSEY: Objection as to form.

5 You can answer.

6 A I did not.

7 Q And you didn't look up the stalking petitions?

8 A I did not.

9 Q You did not check with Clark, the maintenance
10 man, about the incident where Lisa came over
11 and was upset with Michele because she
12 couldn't talk to her that minute?

13 A I did not.

14 Q And without having all of that information,
15 you made a determination that you didn't think
16 it was reasonable for Michele to be afraid of
17 Lisa?

18 A I did not think Lisa posed a credible threat
19 to her.

20 Q But you believed that Michele was afraid of
21 her?

22 A I did.

23 Q And if someone is afraid of someone who is